

RECEIVED IN CLERK'S OFFICE  
USDC Atlanta

DEC 18 2012

JAMES N. HATTEN, Clerk  
By: *[Signature]* Deputy Clerk

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

Rayford Howard  
Plaintiff

vs.

AT&T  
Defendant

WSD

1 12-CV-4346

TITLE VII COMPLAINT

1. Plaintiff resides at 4719 Central DR APT 17H  
STONE MOUNTAIN, GEORGIA. 30083
2. Defendant(s) names (s) AT&T, ARROW DISWINDERS  
Terrell Pickens & Kim Frazier

Location of principal office(s) of the named defendant(s) AT&T South EAST-CEO Management Group  
600 North 14th Street, 21B3  
Birmingham, AL. 35203

Nature of defendant(s) business Retail Wireless Communications

Approximate number of individuals employed by defendant(s) 500 + employees

\*Note: This is a form complaint provided by the Court for pro se litigants who wish to file an employment discrimination lawsuit. It is not intended to be used for other kinds of cases.

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the court by 42 U.S.C. § 2000e-5. Equitable and other relief are also brought under 42 U.S.C. §e-5(g).

4. The acts complained of this suit concern:

- A. ☐ Failure to employ me.  
 B. ☐ Termination of my employment.  
 C. ☒ Failure to promote me.  
 D. ☐ Other (Specify) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. Plaintiff:

- A. ☐ presently employed by the defendant.  
 B. ☒ not presently employed by the defendant. The dates of plaintiff's employment were 3/2004 - 11/2010.  
 The reasons plaintiff was given for termination of employment is/are:  
 (1) ☐ plaintiff was discharged.  
 (2) ☐ plaintiff was laid off.  
 (3) ☒ plaintiff left the job voluntarily.

6. Defendant(s) conduct is discriminatory with respect to the following:

- A. ☐ my race  
 B. ☐ my religion.  
 C. ☐ my sex.  
 D. ☐ my national origin.  
 E. ☒ Other (specify) AGE  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

7. The name(s), race, sex and the position or title of the individual(s) who allegedly discriminated against me during the period of my employment with the defendant company is/are:

1. ARON RUISWANDER, white, male, store manager  
2. Michael Gordino, white male, District Manager.  
3. Jack Kelly, white, male District Manager

8. Describe the discriminatory actions or events you are complaining of in this lawsuit. Give factual detail, including names and dates concerning what happened. You do not need to refer to any statutes or cite law.

Within the last 2 years of employment with ~~AT&T~~  
I had applied for several Assistant Manager  
position. Total about 13. I did not get an  
Interview for any of the positions. Further more  
the people that where hired for the positions  
had less experience and less tenure. I had  
applied for these positions from 1/2010 until  
10/30/2011. I was never given any reason why  
I was getting interviewed, All of my evaluations  
where great and I often exceed my Goals.  
I had asked my immediate management (listed above)  
if there was any thing wrong that I was

not aware of or if there was any thing that  
I should be concerned about and I was told  
that my record was great

9. The alleged illegal activity took place at \_\_\_\_\_

4700 North Point Parkway, Alpharetta, GA. 30022

10. A. X I have filed a charge with the Equal Employment Opportunity Commission regarding defendant(s). (I have attached a copy of my charge(s) filed with the Equal Employment Opportunity Commission, which are incorporated into this complaint.

B. \_\_\_\_\_ I have not filed a charge.

11. A. ✓ I received a Notice of Right-to-Sue letter from the Equal Employment Opportunity Commission on 9/21/12 (date). (I have attached a copy of the Notice of Right-to-Sue which is incorporated into this complaint.)

B. \_\_\_\_\_ I have not received a Notice of Right-to-Sue letter from the Equal Employment Opportunity Commission.

12. State what relief you are seeking from the Court. If you are seeking a monetary award (back pay or damages), state the amount you are seeking. If you are seeking injunctive relief (an order by the Court) issued against the defendant(s) summarize what should be in the order.

I Am Seeking Damages in the Amount of  
\$ 1,500,000.00

12/17/2012  
Date

  
Signature of Plaintiff

Address: 4719 Central Dr  
APT 17 H.

Shaw Moving, CA. 90083

Telephone: 404-855-5771

2012-10-05 15:17 Wells Fargo Bank, NA

7704200129 &gt;&gt;

18665807499 P 4/5

EEOC Form 451 (11/89)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: Rayford Howard  
1221 Grayfield Lane  
Sandy Springs, GA 30350

From: Atlanta District Office  
100 Alabama Street, S.W.  
Suite 4R30  
Atlanta, GA 30303



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

410-2011-02459

Mario Starks-Serrano,  
Investigator

(404) 562-6854

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

*Bernice Williams-Kimbrough*  
Bernice Williams-Kimbrough,  
District Director

SEP 21 2012

(Date Mailed)

Enclosures(s)

cc:

John Rhimes  
Senior EEO Manager  
AT&T SOUTHEAST - EEO MANAGEMENT GROUP  
600 North 19th Street, 21B3  
Birmingham, AL 35203



2012-10-05 15:17 Wells Fargo Bank, NA

7704200129 &gt;&gt;

18665807499 P 5/5

STRUCTURE WITH EEOC  
Form 181 (11/09)**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment. Back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectable. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**